

GARY M. RESTAINO  
United States Attorney  
District of Arizona  
NOEL C. CAPPS  
Assistant U.S. Attorney  
Arizona State Bar No. 014361  
Two Renaissance Square  
40 North Central Avenue, Suite 1800  
Phoenix, Arizona 85004-4449  
Telephone: (602) 514-7500  
Main Fax: (602) 514-7693  
Email: [Noel.Capps@usdoj.gov](mailto:Noel.Capps@usdoj.gov)

*Attorneys for United States*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Trevor Reid, et al.,  
Plaintiffs

v.

United States Department of the Interior, et  
al.,  
Defendants.

No. CV-22-00068-PHX-SMB

**NOTICE OF SUBSTITUTION**

Please take notice that pursuant to the Federal Employee's Liability Reform and Tort Compensation Act of 1988, §§ 5, 6, Pub. L. No. 100-694 (1988) (codified at 28 U.S.C. § 2679(d)(1)), the United States of America ("United States") is hereby substituted for the individual Defendants Justin P. Doyle, David Ballam, and Cynthia Sirk-Fear, for the claims asserted by Plaintiffs against these individual Defendants under the Federal Torts Claims Act ("FTCA") only. The United States is not substituted in for these individual Defendants for the claims asserted against them pursuant to *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) or other alleged constitutional violations. The grounds for this substitution are as follows:

1. Plaintiffs' complaint alleges, in relevant part, that on August 19, 2017, Plaintiffs were guests at the Oak Ridge Campground within Prince William Forest Park near Triangle, Virginia, and federal law enforcement officer (National Park Service

1 Ranger) Justin Doyle committed tortious acts against them cognizable under the FTCA.  
2 (Doc. 1, at ¶¶ 8, 14, 17, 27 – 42, 44, 46, 51, 54, 60 – 68, 70).

3 2. Plaintiffs' complaint alleges that federal law enforcement officer (National  
4 Park Service Ranger) David Ballam arrived at their campsite approximately 20 minutes  
5 after Ranger Doyle, and refused to provide Plaintiff Reason a blanket or jacket. (Doc. 1,  
6 at ¶¶ 30, 45, 50). Plaintiffs allege Ranger Doyle asked Ranger Ballam to watch Plaintiffs  
7 while Ranger Doyle turned his attention elsewhere. (Doc. 1, at ¶ 49)

8 3. Plaintiffs' complaint alleges that after Plaintiff Reid complained by email to  
9 the National Park Service, Chief Ranger of Prince William Forest Park, Cynthia Sirk-Fear,  
10 contacted Plaintiff Reid by email and they subsequently spoke about the events of August  
11 19, 2017 by telephone. (Doc. 1, at ¶¶ 56 – 58).

12 4. The FTCA, 28 U.S.C. §§ 1346(b), 2671-2680, as amended by the Federal  
13 Employee's Liability Reform and Tort Compensation Act of 1988, § 5, Pub. L. No.  
14 100-694, provides that a suit against the United States shall be the exclusive remedy for  
15 persons with claims for damages resulting from the negligent or wrongful acts or omissions  
16 of federal employees taken within the scope of their office or employment. 28 U.S.C.  
17 § 2679(b)(1). The above enumerated allegations of Plaintiffs' complaint fall within this  
18 provision of the FTCA.

19 5. Section 6 of the Federal Employee's Liability Reform and Tort  
20 Compensation Act provides that upon certification by the Attorney General that a federal  
21 employee was acting within the scope of his or her office or employment at the time of the  
22 incident out of which a state law claim arises, any civil action arising out of the incident  
23 shall be deemed an action against the United States, and the United States shall be  
24 substituted as the sole defendant with respect to those claims. 28 U.S.C. § 2679(d)(1);  
25 *United States v. Smith*, 499 U.S. 160, 161-67 (1991); *Wilson v. Drake*, 87 F.3d 1073, 1077  
26 (9th Cir. 1996). The Attorney General has delegated certification authority to the United  
27 States Attorney for the District of Arizona. 28 C.F.R. § 15.4.

1           6.     Peter M. Lantka, Chief, Civil Division for the U.S. Attorney's Office,  
2 Phoenix, District of Arizona, with the authority delegated to him by the United States of  
3 the, Phoenix, Attorney, has certified that at the time of the conduct alleged in Plaintiffs'  
4 Complaint, individual Defendants Justin P. Doyle, David Ballam, and Cynthia Sirk-Fear  
5 were acting within the scope of their employment as employees of the United States,  
6 through its agency, the Department of the Interior. *See* Exhibit 1, Certification of Peter M.  
7 Lantka.

8           7.     For the foregoing reasons, and by operation of law, the United States has  
9 been substituted for individual Defendants Justin P. Doyle, David Ballam, and Cynthia  
10 Sirk-Fear for the claims asserted against them in Plaintiffs' complaint under the FTCA  
11 only. *Ward v. Gordon*, 999 F.2d 1399, 1401 (9th Cir. 1993). The United States is not  
12 substituted in for these individual Defendants for the claims asserted against them pursuant  
13 to *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) or other alleged  
14 constitutional violations.

15  
16                   RESPECTFULLY SUBMITTED this 10th day of June, 2022.

17  
18                                   GARY M. RESTAINO  
19                                   United States Attorney  
20                                   District of Arizona

21                                   s/Noel C. Capps  
22                                   NOEL C. CAPPS  
23                                   Assistant United States Attorney  
24                                   Attorneys for Defendants  
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26  
27  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal. A copy of the foregoing has also been mailed via U.S. First Class Mail and electronically transmitted by Notice of Electronic Filing to the following CM/ECF registrant(s):

**Trevor Reid**  
**Crystale Reason**  
2606 N. 44<sup>th</sup> St.  
Apt 316  
Phoenix, AZ 85008  
[trevor.d.reid@gmail.com](mailto:trevor.d.reid@gmail.com)  
[crystale.reid@gmail.com](mailto:crystale.reid@gmail.com)  
PRO SE

*s/ Celescia A. Broughton*  
U.S. Attorney's Office